

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

CATHEDRAL ART METAL CO., :
INC. :
 :
v. : C.A. No. 06-465T
 :
GIFTCO, INC., et al. :

MEMORANDUM AND ORDER

Before me for determination is Plaintiff's Motion to Compel Further Interrogatory Answers from Defendant Giftco, Inc. ("Giftco"). (Document No. 18). After Plaintiff filed its Motion to Compel, Giftco supplemented its interrogatory responses which mooted several of the issues raised in Plaintiff's Motion. (Document No. 21, Ex. A). A dispute remains as to the sufficiency of Giftco's responses to two categories of interrogatories: (1) interrogatories 5-10 regarding the creation of the allegedly infringing items; and (2) interrogatories 12, 14 and 16 regarding sales/cost information of the allegedly infringing items. A hearing was held on July 11, 2007.

After reviewing the parties' briefs and listening to their arguments at the hearing, I resolve Plaintiff's Motion to Compel (Document No. 18) as follows:

A. Interrogatories 5-10. GRANTED.

The interrogatories are not ambiguous and do not call for a legal conclusion. Giftco has denied Plaintiff's allegations of copyright infringement and, in particular, has denied that it "copied or caused to be copied" the works of Plaintiff at issue in this case. (Document No. 8, ¶ 34). The

interrogatories simply seek factual information regarding the creation and/or source of the three allegedly infringing items.¹

B. Interrogatories 12, 14 and 16. GRANTED in part. Giftco shall further supplement its responses to subparts (a), (b) and (c) by providing the information “on at least a monthly or quarterly basis since the date of [Giftco’s] first sale” of the three allegedly infringing items as originally requested by Plaintiff in its interrogatories. Giftco’s answers are otherwise responsive.

Conclusion

Plaintiff’s Motion to Compel Further Interrogatory Answers from Defendant Giftco, Inc. (Document No. 18) is GRANTED in part as noted above. Giftco shall respond as required by this Order within twenty days pursuant to LR Cv 37(b).

SO ORDERED.

/s/ Lincoln D. Almond
LINCOLN D. ALMOND
United States Magistrate Judge
July 11, 2007

¹ Giftco’s reliance on Reichenbach v. City of Columbus, No. 2:03-CV-1132, 2006 WL 143552 (S.D. Ohio Jan. 19, 2006), is misplaced as that case is plainly distinguishable. In Reichenbach, the discovery requests in dispute directly asked if the answering party was in compliance with certain federal regulations relevant to the requesting party’s legal claim. The Court held that the requests were objectionable because they made “no reference to facts nor do they seek factual information” and sought only a legal conclusion. Id. at *2. That is not the case here.